

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TIMOTHY W. HANRAHAN, JR.,

Plaintiff,

vs.

No. 9:07-CV-610
(FJS/GJD)

DR. MENON, Herkimer County Mental
Health; EDGAR SCUDDER, Director of
Community Services, Herkimer County Mental
Health; and HERKIMER COUNTY
CORRECTIONAL FACILITY,

Defendants.

APPEARANCES:

OF COUNSEL

TIMOTHY W. HANRAHAN, JR.,
Plaintiff Pro Se
08-A- 1306
Buffalo Correctional Facility
P.O. Box 300
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MURPHY, BURNS LAW FIRM
For Defendants Edgar Scudder and
Herkimer County Correctional Facility
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Thomas K Murphy, Esq.

FREDERICK J. SCULLIN, JR., S.J.

ORDER


Currently before the Court is Magistrate Judge Gustave J. DiBianco's Report-Recommendation filed September 29, 2009 to which the parties have filed no objections. Accordingly, the Court having reviewed that Report and Recommendation and the entire file in this matter, the Court hereby

ORDERS that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed September 29, 2009 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court further

ORDERS that the motion for summary judgment filed on behalf of defendants Edgar Scudder and the Herkimer County Correctional Facility is **DENIED without prejudice**.

IT IS SO ORDERED.

Dated: October 27, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge